

Appl. No. 10/774,780  
Docket No. Z03603/Case 8144  
Amdt. dated April 23, 2007  
Reply to Office Action mailed on January 22, 2007  
Customer No. 27752

## REMARKS

### Claim Status

Applicant's Claims 22, 28, 29, and 31-42 are pending in the present application. No additional claim fee is believed to be due. Claims 22, 28, 29 and 42 have been amended. It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order.

### Claim Objections

Applicant notes that the Examiner's renumbering changes to correct duplicate Claim 40 are proper. Specifically, as shown above in the claim listing, Applicant's second occurrence of Claim 40 has been renumbered to -41--and Claim 41 has been renumbered to -42--.

### Rejection Under 35 USC §102 Over Andrews (US Patent 6,145,201)

The Examiner rejected Claims 22, 28, 29, 35 and 36 under 35 USC §102(b) over Andrews (US Patent 6,145,201).

Andrews neither describes nor suggests ... providing a housing including a generally rectangular recess having *four side walls and carrying a guard member ... said guard member ... in front of said blades...* as recited in Applicant's newly amended base Claim 22 (emphasis added). Andrews discloses a razor with a head structure having front and rear guard members, 328, 330. (Fig. 10) Nowhere does Andrews disclose or suggest ... a housing ... carrying a guard member ... in front of said blades... as recited in Applicant's base Claim 22.

The Examiner equates Andrews' glide surfaces 310, 312, which are located to the sides of base portion 304 and on either side of razor head, to

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Applicant's "guards". While Applicant does not concede that the Andrews glide surfaces constitute guards, Applicant has amended Claims 22 and 29 to recite that the guard member is positioned in front of the blades. Support for this amendment is found for example, in Applicant's Specification, page 1, lines 4-6, where Applicant states that, "the housing is often provided with a guard with fins or other skin engaging structures made of elastomeric material *in front* of the blades, and a cap on which the skin can slide behind the blades." (See also Applicant's Figs. 1-2). Andrews' glide surfaces 310, 312, though located on the base 304, are not located in front of the blades but rather, as mentioned above, on either side of razor head 308.

Furthermore, because Andrews already has guards (see Andrews' front and rear guard 328 and 330 located on the subassembly 308 in front of blades 324 in Fig. 10, and col. 15, lines 43-48), Applicant asserts that Andrews teaches away from, and does not motivate, providing guard functionality elsewhere, such as on the housing.

Andrews neither describes nor suggests ... a housing ... having four side walls ... as recited in Applicant's base Claim 22. As shown in Andrews' Fig. 10, the Andrews base portion 304 has two walls (no reference number available) formed by the inner walls of the glide surfaces 310 and 312.

Andrews does not describe or suggest ... securing said first longitudinal ends to a first plastic block and said second longitudinal ends to a second end block at locations on said first and second plastic block such that said cutting edges collectively define a shaving surface, and said blades and blocks provide an integrated blade subassembly, wherein no part of said integrated blade subassembly extends beyond an outer surface of said blocks ... as recited in Claim 22.

Andrews does not teach or motivate the use of first and second blocks. Andrews discloses a razor blade structure 18 that is constructed as a cartridge (Andrews, col. 9, lines 14+). Moreover, Applicant asserts that Andrews' use of a cartridge teaches away

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from the use of or necessity for first and second blocks on longitudinal ends as recited in Applicant's dependent Claim 22.

Accordingly, the above rejection is traversed as Andrews does not establish a *prima facie* case of obviousness having not taught or suggested all of the above-mentioned claim limitations of Claim 22 and for these reasons, Applicant's base Claim 22 is patentably distinct over Andrews under 35 USC §102(b). As a result, Claim 28, which depends from Claim 22, is also patentably distinct over the cited reference.

Andrews neither describes nor suggests ... a housing defining a generally rectangular recess having four side walls and carrying a guard member ... a blade subassembly comprising a plurality of elongated metal blades...each said blade having first and second longitudinal ends, and first and second plastic blocks, said first longitudinal ends being secured to said first plastic block and said second longitudinal ends being secured to said second plastic block to provide an integral unit ... and wherein said guard member is in front of said blades ... as recited in Applicant's newly amended base apparatus Claim 29.

In conjunction with rationale made above with respect to similar base Claim 22, Applicant asserts that Claim 29 is patentably distinct over Andrews under 35 USC §102(b). Consequently, Applicant's dependent Claims 35 and 36 are also patentably distinct over Andrews under 35 USC §102(b).

Rejection Under 35 USC §103(a) Over Andrews (US Patent 6,145,201)

The Examiner rejected Claim 37 under 35 USC §103(a) as being unpatentable over Andrews.

Andrews neither describes nor suggests ... said plurality of elongated metal blades includes at least four said blades ... as recited in Applicant's dependent Claim 37.

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Andrews discloses a single razor blade strip, twin razor blade strips or three razor blade strips (Andrews, col. 5, lines 24-27). Andrews does not disclose or contemplate having at least four blades as recited in Applicant's Claim 37.

Accordingly, the above rejection is traversed as Andrews does not establish a *prima facie* case of obviousness because it does not teach or suggest all of the above-mentioned claim limitations of Claim 37. (see MPEP 2143.03) Therefore, and for the reasons discussed above in conjunction with base Claims 22 and 29, the claimed invention is unobvious and the rejection should be withdrawn.

Rejection Under 35 USC §103(a) Over Andrews

Applicant's Claims 31-34 have been rejected under 35 USC §103(a) as being unpatentable over Andrews.

Andrews neither describes nor suggests... said first and second longitudinal ends are received in slots in said first and second plastic blocks ... as recited in Applicant's dependent Claim 31; nor ... said first and second longitudinal ends and said slots have mating locking structure to secure said first and second longitudinal ends to said first and second plastic blocks ... as recited in Applicant's dependent Claim 32; nor said locking structure includes projections projecting into said slots that engage holes through said longitudinal ends ... as recited in Applicant's dependent Claim 33; nor ... said longitudinal ends have a thickness that is greater than the width of the slot minus the height of the projection ... as recited in Applicant's dependent Claim 34.

Applicant maintains that Andrews subassembly does not teach or motivate the use of first and second blocks. Andrews discloses a razor blade structure 18 that is constructed as a cartridge (See Andrews, col. 9, lines 14+). Applicant asserts that Andrews' use of a cartridge teaches away from the use of or necessity for first and second blocks on longitudinal ends as recited in Applicant's dependent Claim 31.

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In addition to not disclosing or suggesting blocks, Andrews, as the Examiner submits, does not disclose or suggest slots as set forth in Applicant's recitations in Claims 31-34.

Accordingly, Andrews does not establish a *prima facie* case of obviousness because it does not teach or suggest all of the above-mentioned claim limitations of Claims 31-34 which depend from Claim 29. (see MPEP 2143.03) Therefore, the above rejections with respect to Claims 31-34 are traversed and for the reasons discussed above and in conjunction with base Claim 29, the claimed invention is unobvious and the rejection should be withdrawn.

Rejection Under 35 USC §103(a) Over Santhagans Van Eibergen (US Patent 6,671,961)

Applicant's Claims 22, 29, 31, 35, 36, 39, 41 and 42 have been rejected under 35 USC §103(a) as being unpatentable over Van Eibergen et al., US Patent 6,671,961, hereinafter Van Eibergen.

Van Eibergen neither describes nor suggests ... providing a housing including a generally rectangular recess having four side walls and carrying a guard member, providing a plurality of elongated metal razor blades, each blade having a cutting edge and first and second longitudinal ends, securing said first longitudinal ends to a first plastic block and said second longitudinal ends to a second end block at locations on said first and second plastic block such that said cutting edges collectively define a shaving surface, and said blades and blocks provide an integrated blade subassembly, wherein no part of said integrated blade subassembly extends beyond an outer surface of said blocks, and inserting said integrated subassembly into the rectangular recess wherein said guard member is in front of said blades ... as recited in Applicant's base method Claim 22, nor in similar elements recited in Applicant's base apparatus Claim 29.

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Van Eibergen's cutting blades 5 and skin supporting members 11, 13 are mounted to a sub-frame 9 which is coupled to a main frame 19. The Examiner equates Van Eibergen's sub-frame 9 with Applicant's blocks. However, as shown in Fig. 3, Van Eibergen's sub-frame 9 extends around the base and across the entire length of the blades as a monolithic piece and thus, is not represented by two separate pieces or two blocks at either end. This is further evidenced by the fact that Van Eibergen's sub-frame 9 has four corners 49 (see Van Eibergen, Fig. 3) rather than eight corners that would result by having two separate end blocks as provided in Applicant's instant invention.

Thus, Van Eibergen does not disclose *first and second blocks* to secure first and second longitudinal ends of blades as recited in Applicant's base Claims 22 and 29.

Consequently, these rejections are traversed as Van Eibergen does not establish a *prima facie* case of obviousness because it does not teach or suggest all of the above-mentioned claim limitations of base Claims 22 and 29, and therefore it follows that it does not establish a case of obviousness for Claims 31, 35, 36, 39, 41 and 42, which depend from Claim 29. (See MPEP 2143.03). Therefore, the claimed invention is unobvious and the rejection should be withdrawn.

Rejection Under 35 USC §103(a) Over Francis (US Patent 3,940,853)

Claims 22, 28, 29, 35, 38 and 40 have been rejected under 35 USC §103(a) as being unpatentable over Francis, US Patent 3,940,853.

Francis neither describes nor suggests ... providing a housing including a generally rectangular recess having four side walls and carrying a guard member, providing a plurality of elongated metal razor blades, each blade having a cutting edge and first and second longitudinal ends, securing said first longitudinal ends to a first plastic block and said second longitudinal ends to a second end block at locations on said first and second plastic block such that said cutting edges collectively define a shaving surface, and said blades and blocks provide an integrated blade subassembly, wherein no

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part of said integrated blade subassembly extends beyond an outer surface of said blocks, and inserting said integrated subassembly into the rectangular recess ... as recited in Applicant's base method Claim 22 (or similar Claim 38), nor similar elements recited in Applicant's base apparatus Claim 29 (or similar Claim 40).

Francis discloses a razor blade unit in the form of an elongated blade member and means engaged with the blade member and in compression to strain the ends of the blade member apart. (See Francis abstract).

The Examiner equates Francis' spacers 44 with Applicant's first and second blocks and also makes the argument that plastic can be utilized for most pieces in the razor art. Applicant disagrees on both points. Francis does not disclose plastic blocks, but rather metal spacers.

Applicant contends that the Francis' spacers are located between adjacent ends of the two blade members and are rigidly secured to the blades to create a spaced parallel relationship while also providing tautness or strain to the ends of the blades and in so doing, require great tension force, a force which plastic is incapable of holding up against, as one of skill in the art would realize. Francis discloses up to 14 pounds of tension per blade or 28 pounds for two blades. (Francis, col. 3, lines 45-49). The concentration of tension in such a small area (i.e. tension force) would make plastic an unsuitable choice of material due to its deformation (i.e. creep) and may also fail due to compression at assembly. Thus, Applicant argues, one of skill in the art, knowing the material properties of plastic (that plastic would relax over time) and the amount of force that the Francis spacers may be subject to, would not be motivated to substitute Francis' metal spacers with plastic spacers, despite plastic's prevalence in current razor art pieces.

Applicant further contends that additional pairs of spacers would necessarily have to be added in the Francis design for each blade added, whereas on the contrary, each of Applicant's base claims recite the use of a first and second plastic end block for a

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plurality (2, 3, 4, 5 or more) blades.

Furthermore, Applicant contends that Francis' steel spacers are secured in between the blades by spot welding. (See Francis, col. 4, lines 35-40). In the instant invention, Applicant teaches no such rigid securing of the ends of the blades to the blocks. For example, Applicant discloses securing the ends of the blades into slots in the blocks via projections that snap into holes and hence, blades are to an extent, free floating in subassembly prior to connection to the housing. In addition, Applicant further discloses blades that are freely slidable in the vertical slots. (See Specification, page 5; also Figs. 9-11).

Accordingly, Applicant contends that the securing method disclosed in the cited Francis reference is not substantially equivalent to the recitation of securing in Applicant's claims as supported by Applicant's specification.

Additionally, with regard to Applicant's Claims 38 and 40, Applicant recites "an integrated blade subassembly *consisting of* said first plastic block, said second end block and said blades" (Claim 38, emphasis added) and "a blade subassembly *consisting of* ... a plurality of ... blades, ... and first and second plastic blocks...to provide an integral unit..." (Claim 40, emphasis added). Applicant takes note that Francis' blade unit comprises a pair of blade members, a pair of spacers, and a wedge member. (For example, see Francis, cols. 3, line 61 to col. 4, line 16.) Therefore, Francis does not meet the requirement set forth in Applicant's recited elements since Francis' blade unit also includes a wedge member.

Accordingly, these rejections are traversed as Francis does not establish a *prima facie* case of obviousness because it does not teach or suggest all of the above-mentioned claim limitations of Claims 22, 28, 29, 35, 38 and 40. (see MPEP 2143.03) Therefore, the claimed invention is unobvious and the rejection should be withdrawn.



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### CONCLUSION

In light of the above remarks, early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented hercin, and allowance of the pending Claims is respectfully requested.

Respectfully submitted,

THE GILLETTE COMPANY

By

  
Signature

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